

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

UNITED STATES OF AMERICA

v.

ACTION NO. 2:05mj205

ROBERT JAMES AGNOR

Defendant.

O R D E R

_____In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 846.

The defendant has not rebutted the presumption established by the above finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The Court FINDS that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that this defendant is 24 years of age and has resided in the community for five years. He has a significant number of

relatives in the Virginia Beach/Chesapeake area. The defendant was employed full-time as a painter until May 16, 2005, and has worked with other painting companies in the past. Currently he has no income and modest assets.

The defendant in the past has abused alcohol, marijuana, and methamphetamine. The defendant claims that he no longer abuses alcohol or methamphetamine and last used marijuana on May 16, 2005.

The defendant has a number of alcohol-related offenses in South Carolina, including convictions for public drunkenness, underage possession of alcohol, driving under the influence of alcohol and possession of alcohol under the age of 21. These convictions occurred between 1999 and 2001. In September of 2003 he was arrested in Chesapeake, Virginia on state charges related to the same matters that are before the Court on indictment.

The Court FINDS that, based on the evidence presented by the Assistant United States Attorney, the defendant was involved in the manufacture of methamphetamine in Chesapeake, Virginia. The Court FINDS that because of the explosive nature of the manufacturing process of methamphetamine and the dangerousness of the drug that this defendant is a danger to the community. The Court further FINDS that defendant's criminal record of alcohol abuse and self-reported substance abuse also contributes to the Court's finding that he is a danger to the community.

There is a serious risk that the defendant will not appear.

There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk shall mail or deliver a copy of this Order to the United States Attorney at Norfolk, to the United States Marshal at Norfolk, to the United States Pretrial Services Office at Norfolk, and to counsel of record for the defendant.

_____/s/
Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia

May 27, 2005

Nunc pro tunc May 25, 2005